

VZCZCXRO7057  
OO RUEHFK RUEHKSO RUEHNH  
DE RUEHKO #0322 0410855  
ZNY CCCCC ZZH  
O 100855Z FEB 09  
FM AMEMBASSY TOKYO  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0701  
INFO RUEHBY/AMEMBASSY CANBERRA PRIORITY 3023  
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1090  
RUEHFK/AMCONSUL FUKUOKA PRIORITY 2376  
RUEHNH/AMCONSUL NAHA PRIORITY 4720  
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 6163  
RUEHKSO/AMCONSUL SAPPORO PRIORITY 2929  
RHMFSS/FBI WASHDC PRIORITY  
RUCPDC/NOAA NMFS WASHINGTON DC PRIORITY

C O N F I D E N T I A L TOKYO 000322

SIPDIS

STATE FOR EAP/J AND OES/OA - MHAYES/LPHELPS  
USDOC FOR NOAA/NMFS - CMCCARTY AND RWULFF  
FBI FOR COUNTERTERRORISM DIVISION ATTN: DOMESTIC TERRORISM  
OPERATIONS UNIT (DTOU)

E.O. 12958: DECL: 02/09/2019

TAGS: SENV EFIS IWC PREL JA

SUBJECT: WHALING: JAPAN ASKS USG TO EXAMINE TAX EXEMPT  
STATUS OF ANTI-WHALING NGO

Classified By: Economic Minister Counselor Robert F. Cekuta, reasons 1.  
4 (b) and (d)

¶1. (U) Please see action request contained in para 5.

¶2. (C) Fisheries Agency of Japan Director General Shuji Yamada called in EMIN Feb. 10 to raise the recent incident in which a Sea Shepherd Conservation Society (SSCS) vessel allegedly collided with a Japanese research whaling vessel in the Southern Ocean and to request USG action against the SSCS. Japanese officials had called in the Dutch Ambassador and the Australian DCM in the last few days as well to seek action against SSCS. (Note: the SSCS's vessel "Steve Irwin" is registered in the Netherlands and has been resupplied and fueled at Australian ports; SSCS is an NGO registered in the U.S. End note.) ESTHoffs also participated in the Feb. 10 meeting.

¶3. (C) Yamada began the discussion by showing two short videos of the collision between the "Steve Irwin" and the Japanese catcher ship the "Yushin Maru 2" February 6. Yamada said the protesters also threw bottles containing an acid onto the Japanese ship and attempted to foul its propellers. Yamada also provided prints of photos he said were taken during the incident. Drawing from prepared points, Yamada called the incident "a premeditated collision" and "a crime," something which had threatened the lives and well-being of the crew members on the Japanese vessel. Japan, he continued, is conducting research whaling according to the terms of international conventions. He noted as well the USG's participation in the International Whaling Commission's consensus resolutions condemning this sort of activity by anti-whaling groups. Against this background, he said the GOJ finds it inappropriate that the U.S. grants the Sea Shepherd Conservation Society tax exempt status and asked that the USG take appropriate legal measures.

¶4. (C) EMIN utilized points sent by the Department noting the USG is concerned about the violent incidents and the USG, including appropriate law enforcement authorities, will cooperate with the GOJ; that the USG considers safety at sea a serious matter and does not condone action that would intentionally jeopardize the crew or safety of the vessel. Per the points sent by the Department, he pointed to U.S. support for action taken in the International Maritime Organization and the IWC in this regard and that while the U.S. is opposed to Japan's lethal research whaling program, we believe the appropriate way to resolve these differences

is through the International Whaling Commission. He agreed to report on the meeting and convey the materials Yamada provided and the GOJ's request regarding the tax exempt status of the SSCS back to the concerned USG agencies.

¶5. (C) Action Request - Post would appreciate points to use in response to the GOJ's questions about SSCS' tax exempt status and whether and under what circumstances it might be reviewed. Post is scanning the photos Yamada provided and e-mailing them to EAP/J (Dresser) and OES/OA (Phelps). We also asked for a copy of the video clips Yamada showed and will transmit them back as well as soon as they are received.  
ZUMWALT